

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

	)	
JANICE STEVENSON,	)	
Plaintiff,	)	
	)	
v.	)	C.A. No.: 05-CV-11584-DPW
	)	
NEIGHBORHOOD HOUSE CHARTER	)	
SCHOOL,	)	
Defendant	)	
	)	

**PLAINTIFF COUNSEL’S RESPONSE TO ORDER TO SHOW CAUSE**

**Now Comes**, John W. Davis, and Davis & Davis, P.C., and submits hereto an affidavit in response to this Court's Order to Show Cause and respectfully requests that this Honorable Court consider same relative to the Court's Order to Show Cause.

Respectfully submitted,  
John W. Davis,

Dated: 6/5/06

/s/ John W. Davis  
John W. Davis (BBO #648399)  
Davis & Davis, P.C.  
77 Franklin Street, 3<sup>rd</sup> floor  
Boston, Massachusetts 02110  
(617) 933-3838

# CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party, and the plaintiff, Janice Stevenson, via first class mail on June 5, 2006.

/s/ John W. Davis

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JANICE STEVENSON, Plaintiff,	)	
	)	
	)	
v.	)	C.A. No.: 05-CV-11584-DPW
	)	
NEIGHBORHOOD HOUSE CHARTER SCHOOL,	)	
Defendant	)	
	)	

**AFFIDAVIT OF PLAINTIFF'S ATTORNEY, JOHN W. DAVIS,  
IN SUPPORT OF SHOW CAUSE RESPONSE**

I, John W. Davis, plaintiff's attorney in the above-captioned action, say of my own knowledge, information and belief in support of this Response that:

1. On Tuesday, May 30<sup>th</sup>, at approximately 6:00 p.m., I received a telephone call that my sister-in-law, Dana Martino, was involved in a serious car accident. She is the Godmother to one of my children and my wife's best friend. She was flown by helicopter to the Emergency Room at Massachusetts General Hospital (MGH).
2. When I arrived at MGH, I learned that Dana's spine was fractured in two places; specifically, the C-1 and the T-9. It was explained that her skull became separated from her spinal cord.
3. I also learned that my 4-year-old nephew Matthew was in the car at the time of the accident and had been taken by ambulance to a hospital in Lawrence. Matthew and my son are inseparable. Fortunately, Matthew only suffered a concussion and was released to his father that evening. Somebody told me that Matthew's dog Jimmy was in the car as well.
4. Tuesday evening, I left the hospital and cared for my nephew. At midnight I called the police asking for any information about Jimmy because my nephew was distraught. At approximately 1:00 a.m., State Trooper Dave Walsh from the

Andover barracks returned my call and told me that Jimmy was struck and killed by another vehicle.

5. Dana underwent a 14-hour surgery on Wednesday. On Thursday morning, we learned that the surgery was not successful and she will be a quadriplegic for life.
6. Between Tuesday night and Thursday afternoon, I have spent almost every moment either at the hospital, or taking care of my nephew so that my wife can be at the hospital.
7. Due to these circumstances, I inadvertently missed the court date.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 5<sup>th</sup> DAY OF JUNE 2006.

/s/ John W. Davis  
John W. Davis